

**FERNALD LAW GROUP LLP**

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Attorneys for Defendant,  
CAPITAL ONE BANK (USA), N.A.,  
Erroneously Named As "Capital One"

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA – LAS VEGAS**

TOMMY D. DAVIS,  
Plaintiff,

v.

DEPARTMENT STORES NATIONAL  
BANK, CAPITAL ONE, HSBC BANK,  
WEBBANK, FIRST NATIONAL BANK  
OF OMAHA, SILVER STATE  
SCHOOLS CREDIT UNION

Defendants.

CASE NO.: 2:15-CV-02268-JAD-  
PAL

*Assigned To The Hon. Judge Jennifer  
A. Dorsey; Referred To The Hon.  
Magistrate Judge Peggy A. Leen*

**STIPULATION AND ORDER TO  
EXTEND TIME TO RESPOND  
TO COMPLAINT**

**(FIRST REQUEST)**

1 Plaintiff Tommy D. Davis ("Plaintiff"), by and through his counsel of record,  
2 and Defendant Capital One Bank (USA), N.A., erroneously named as "Capital One"  
3 ("Capital One"), by and through its counsel of record, hereby submit this stipulation  
4 to extend Capital One's time to file a responsive pleading to Plaintiff's Complaint by  
5 fourteen (14) days, as follows:

6 **WHEREAS:**

7 1. Plaintiff filed the Complaint in this matter in the Eighth Judicial District  
8 Court Court of Nevada on August 5, 2015, and effectuated service of his Summons  
9 and Complaint on Capital One on November 19, 2015;

10 2. Defendant Silver State Schools Credit Union filed a Petition of Removal  
11 and removed the matter to this Court on December 1, 2015;

12 3. The Parties agree that a brief extension of time for Capital One to file its  
13 responsive pleading to the Complaint would benefit both Parties because it will allow  
14 them to gather additional facts and information while continuing to devote their  
15 resources to exploring the potential for early resolution of this matter before incurring  
16 further fees and costs;

17 4. Capital One and Plaintiff have agreed to extend Capital One's current  
18 deadline to respond to Plaintiff's Complaint by fourteen (14) days to Friday,  
19 December 23, 2015;

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**NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:**

Capital One will file its responsive pleading to Plaintiff's Complaint on or before December 23, 2015.

**IT IS SO STIPULATED.**

DATED: December 10, 2015

**HAINES & KRIEGER, LLC**

By: /s/ David H. Krieger  
DAVID H. KRIEGER  
Nevada Bar No. 9086  
Attorneys for Plaintiff  
TOMMY D. DAVIS

DATED: December 10, 2015

**KAZEROUNI LAW GROUP, APC**

By: /s/ Michael Kind  
MICHAEL KIND  
Nevada Bar No. 13903  
Attorneys for Plaintiff  
TOMMY D. DAVIS

DATED: December 10, 2015

**FERNALD LAW GROUP LLP**

By: /s/ Brandon C. Fernald  
BRANDON C. FERNALD  
Nevada Bar No. 10582  
Attorneys for Defendant,  
CAPITAL ONE BANK (USA), N.A.

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**ORDER**

The Court has reviewed the Stipulation filed by Plaintiff Tommy D. Davis and Defendant Capital One Bank (USA), N.A., named as “Capital One” (“Capital One”), to extend Capital One’s time to file a responsive pleading by 14 days. The Stipulation is incorporated herein by reference. Good cause appearing thereon, the Court hereby orders as follows:

Capital One’s time to file a responsive pleading to the Complaint is hereby extended. Capital One shall file its responsive pleading to the Complaint on or before December 23, 2015.

**IT IS SO ORDERED.**

DATED: December 21, 2015

  
The Honorable Judge Peggy A. Leen  
United States Magistrate Judge